

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SHANE K. HOPKINS,
PLAINTIFF

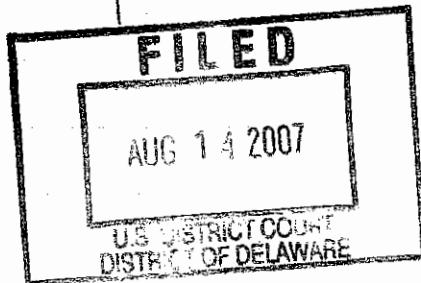
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C/o JOHN PUSEY, ETAL.,
DEFENDANT

CA. No. 05-870-SLR

COMES NOW THE PLAINTIFF SHANE K. HOPKINS
MOTION IN SUPPORT OF SUBPOENAS REQUIRING DEFENDANTS
AND NON DEFENDANTS SUBMIT TO ORAL DEPOSITIONS.

- 1) THE PLAINTIFF SHANE K. HOPKINS IS NOW AND HAS
BEEN INCARCERATED FOR A PERIOD OF TIME IN EXCESS
OF (12) YEARS.
- 2) THE PLAINTIFF'S ONLY SOURCE OF INCOME HAS BEEN
SMALL GIFTS FROM FAMILY MEMBERS AS THERE IS NO
OTHER WAY TO EARN INCOME.
- 3) THE COURTS HAVE TAKEN 20% OF WHAT FINANCES
THE PLAINTIFF HAS RECEIVED SINCE THE COMMENCEMENT
OF THIS ACTION FOR THE PURPOSE OF PAYMENT TOWARDS
THE \$250.00 FILING FEE.



4) The Filing FEE Should BE NEARLY PAID LEAVING ROOM
FOR ANY OTHER COSTS THAT THE PLAINTIFF MAY INCU^R
THROUGHOUT THE LITIGATION OF THIS MATTER.

5) The PLAINTIFF would ASK THAT THIS COURT REVIEW
COLEMAN V. ST VINCENT DE PAUL SOCIETY, 144 F.R.D.
92, 95-96 (E.D. WIS 1992). This CASE DISCUSSES IN
DETAIL THE MATTER OF IN FORMA PAUPERIS LITIGANTS
AND THE COSTS SUBPOENAS, WITNESS FEES AND MILEAGE
COSTS. WHEREIN THE UNITED STATES MARSHAL SERVICE
WAS DIRECTED TO PAY THE AFOREMENTIONED COSTS.

6) Your Honor The PLAINTIFF IS MORE THEN WILLING
TO PAY FOR ANY COSTS THAT HE MAY INCU^R** CALENDINE,
80 F.R.D. AT 28 SUGGESTS THAT IN FORMA PAUPERIS
LITIGANTS ARE ULTIMATELY RESPONSIBLE FOR THE PAYMENT
OF WITNESS FEES AND OTHER COSTS BUT THAT SUCH
EXPENSES MAY BE ADVANCED BY THE GOVERNMENT AND
REPAID BY THE LITIGANT AT THE CONCLUSION OF TRIA).

7) The PLAINTIFF HAS ATTACHED A (6) Month Account
BALANCE TO THIS MOTION FOR REVIEW BY THIS COURT.
FURTHERMORE THE PLAINTIFF IS DUE TO BE RELEASED
IN 2009 WHEREBY THE COURTS COULD GARNISH THE
PLAINTIFFS WAGES UNTIL SUCH LITIGATION COSTS ARE PAID.

** MARSH V. CALENDINE, 80 F.R.D. 24, 27 (N.D.W. VA. 1978)

- 8) Your Honor 28 U.S.C. § 1915 (c) Provides That:
THE OFFICERS OF THE COURT SHALL ISSUE AND SERVE ALL
PROCESS, AND PERFORM ALL DUTIES IN IN FORMA PAUPERIS
CASES. WITNESSES SHALL ATTEND AS IN OTHER CASES, AND
THE SAME REMEDIES SHALL BE AVAILABLE AS ARE PROVIDED
FOR BY LAW IN OTHER CASES.
- 9) THE PLAINTIFF IS ASKING THAT THE COURT AFFORDS
HIM THE SAME ABILITIES THROUGHOUT LITIGATION AS THE
DEFENCE HAS.
- 10) THE PLAINTIFF CAN DEMONSTRATE THE NECESSITY
OF THE TESTIMONY OF EACH WITNESS FOR WHICH SUBPOENAS
HAVE BEEN REQUESTED.
- 11) THE PLAINTIFF BELIEVES THAT HE CAN DEPOSE THE
REQUESTED DEFENDANTS AND NON DEFENDANTS WITHIN A
(3) HOUR PERIOD BARRING ANY DELAYS BY THE DEFENCE.
- 12) Your Honor I would REQUEST THAT THE DEPOSITIONS
BE TAKEN BY AUDIO RECORDING IN FRONT OF A NOTARY
PUBLIC OFFICER THEREBY MITIGATING THE EXPENCE OF A
COURT STENOGRAFHEL. RULE 30 (b)(2) Fed. R. C.V. P.

13) IF THE COURT DECIDES AGAINST THE PLAINTIFFS REQUESTS TO MAKE PAYMENTS TOWARDS THE COSTS OF LITIGATION THEN THE PLAINTIFF WILL NEED SOME ESTIMATION AS TO WHAT FINANCES WILL BE REQUIRED IN ORDER TO PROCEED WITH DEPOSITIONS. DUE TO THE PLAINTIFFS LENGTHY INCARCERATION IT'S NOT POSSIBLE TO GUESS THE COSTS OF GAS AND MILEAGE.

14) IF NEEDED THE PLAINTIFF WILL ASK HIS FAMILY WHOM LIVE FROM PAY CHECK TO PAY CHECK FOR HELP. THAT REQUEST WILL BE UNFAIR TO THEM BUT AS AN IN FORMA PAUPERIS LITIGANT I HAVE NO OTHER option.

15) Cb John Pusey AND Cb Joe Smith AS NAMED DEFENDANTS DO NOT REQUIRE PAYMENT FOR SUBPOENAS OR THE STATUTORY WITNESS FEE. IF I UNDERSTAND CORRECTLY. YOUR HONOR THIS BRINGS TO ISSUE THE FACT THAT I HAVE REQUESTED PERMISSION TO AMEND THE COMPLAINT ADDING SEVERAL NEW DEFENDANTS WHOM I HAVE ALSO REQUESTED BE SUBPOENAED FOR ORAL DEPOSITIONS. IF PERMISSION TO AMEND THE COMPLAINT IS GRANTED BY THIS COURT THEN THAT WOULD EFFECT THE COSTS THAT ARE AT ISSUE.

DATED: AUGUST 9TH 2007

Shane Hopkins
Shane Hopkins # 253918
D.C.C.
1181 Paddock Rd
Smyrna D.E 19977

DELAWARE CORRECTIONAL CENTER
SUPPORT SERVICES OFFICE
MEMORANDUM

TO: Shane Hopkins SBI#: 253918
FROM: Stacy Shane, Support Services Secretary
RE: 6 Months Account Statement
DATE: July 31, 2007

Attached are copies of your inmate account statement for the months of
January 1, 2007 to June 30, 2007.

The following indicates the average daily balances.

<u>MONTH</u>	<u>AVERAGE DAILY BALANCE</u>
<u>Jan</u>	<u>42.94</u>
<u>Feb</u>	<u>23.57</u>
<u>March</u>	<u>21.00</u>
<u>April</u>	<u>55.62</u>
<u>May</u>	<u>25.17</u>
<u>June</u>	<u>19.03</u>

Average daily balances/6 months: 31.22

Attachments
CC File

Stacy Shane
7/31/07

Cover/Power
7/31/07

Individual Statement
From January 2007 to June 2007

Date Printed: 7/31/2007

SBI	Last Name	First Name	MI	Suffix
00253918	Hopkins	Shane	K	
Current Location:	22	Comments:		

Trans Type	Date	Deposit or Withdrawal		Non-Medical Hold	Balance	Trans #	MO# / Ck#	Pay To	Source Name
		Amount	Medical Hold						
Canteen	1/2/2007	(\$37.19)	\$0.00	\$0.00	\$44.92	367598			
Mail	1/9/2007	\$50.00	\$0.00	\$0.00	\$94.92	370286			C HOPKINS
Canteen	1/10/2007	(\$20.00)	\$0.00	\$0.00	\$74.92	370871			
Supplies-Mail/Posta	1/10/2007	\$0.00	\$0.00	(\$4.20)	\$74.92	371244			12/18/06
Supplies-Mail/Posta	1/10/2007	\$0.00	\$0.00	(\$4.20)	\$74.92	371245			12/18/06
Supplies-Mail/Posta	1/10/2007	\$0.00	\$0.00	(\$4.20)	\$74.92	371247			12/18/06
Legal	1/16/2007	\$0.00	\$0.00	(\$18.00)	\$74.92	373221			12/06
Canteen	1/17/2007	(\$25.26)	\$0.00	\$0.00	\$49.66	373874			
Legal	1/18/2007	(\$18.00)	\$0.00	\$0.00	\$31.66	374792			12/06
Canteen	1/24/2007	(\$19.04)	\$0.00	\$0.00	\$12.62	376223			
Supplies-Mail/Posta	1/30/2007	(\$4.20)	\$0.00	\$0.00	\$8.42	379340			12/18/06
Supplies-Mail/Posta	1/30/2007	(\$4.20)	\$0.00	\$0.00	\$4.22	379341			12/18/06
Supplies-Mail/Posta	1/30/2007	(\$4.20)	\$0.00	\$0.00	\$0.02	379339			12/18/06
Legal	2/2/2007	\$0.00	\$0.00	(\$8.00)	\$0.02	381804			JAN 2007
Legal	2/2/2007	(\$0.02)	\$0.00	(\$7.98)	\$0.00	382083			JAN 2007
Visit	2/5/2007	\$40.00	\$0.00	\$0.00	\$40.00	382246			
Canteen	2/7/2007	(\$19.99)	\$0.00	\$0.00	\$20.01	383605			
Supplies-Mail/Posta	2/13/2007	\$0.00	\$0.00	(\$4.05)	\$20.01	385953			2/6/07
Supplies-Mail/Posta	2/13/2007	\$0.00	\$0.00	(\$3.27)	\$20.01	385954			2/6/07
Canteen	2/14/2007	(\$4.64)	\$0.00	\$0.00	\$15.37	386825			
Mail	2/16/2007	\$40.00	\$0.00	\$0.00	\$55.37	388391			S RUSSELL
Supplies-Mail/Posta	2/16/2007	\$0.00	\$0.00	(\$3.27)	\$55.37	388651			2/6/07
Supplies-Mail/Posta	2/16/2007	(\$4.05)	\$0.00	\$0.00	\$51.32	389281			2/6/07
Supplies-Mail/Posta	2/16/2007	(\$3.27)	\$0.00	\$0.00	\$48.05	389282			2/6/07
Supplies-Mail/Posta	2/16/2007	(\$3.27)	\$0.00	\$0.00	\$44.78	389422			2/6/07
Canteen	2/21/2007	(\$19.90)	\$0.00	\$0.00	\$24.88	390738			
Canteen	2/28/2007	(\$13.99)	\$0.00	\$0.00	\$10.89	393697			
Legal	3/6/2007	\$0.00	\$0.00	(\$14.00)	\$10.89	396982			FEB 07
Legal	3/9/2007	(\$7.98)	\$0.00	\$0.00	\$2.91	398633			JAN 2007
Legal	3/9/2007	(\$2.91)	\$0.00	(\$11.09)	\$0.00	398652			FEB 07
Mail	3/15/2007	\$50.00	\$0.00	\$0.00	\$50.00	401088			
						10368765191			

Individual Statement From January 2007 to June 2007

Date Printed: 7/31/2007

SBI	Last Name	First Name	MI	Suffix	Beginning Month Balance:	\$82.11
00253918	Hopkins	Shane	K		Ending Month Balance:	\$0.97
Current Location:	22				Comments:	

Trans Type	Date	Deposit or Withdrawal Amount	Medical Hold	Non-Medical Hold	Balance	Trans #	MO# / Ck#	Pay To	Source Name
Supplies-Mail/Posta	6/1/2007	(\$0.39)	\$0.00	\$0.00	\$9.80	437541		4/12/07	
Supplies-Mail/Posta	6/1/2007	(\$0.39)	\$0.00	\$0.00	\$9.41	437542		4/12/07	
Supplies-Mail/Posta	6/1/2007	(\$0.63)	\$0.00	\$0.00	\$8.78	437913		5/4/07	
Mail	6/5/2007	\$50.00	\$0.00	\$0.00	\$58.78	439262			C HOPKINS
Canteen	6/6/2007	(\$8.72)	\$0.00	\$0.00	\$50.06	439432			
Legal	6/8/2007	\$0.00	\$0.00	(\$8.00)	\$50.06	440896		6/07	
Legal	6/8/2007	(\$8.00)	\$0.00	\$0.00	\$42.06	440927		6/07	
Canteen	6/13/2007	(\$19.97)	\$0.00	\$0.00	\$22.09	442137			
Supplies-Mail/Posta	6/15/2007	\$0.00	\$0.00	(\$0.58)	\$22.09	443983		5/28/07	
Supplies-Mail/Posta	6/15/2007	\$0.00	\$0.00	(\$0.75)	\$22.09	443984		5/28/07	
Canteen	6/20/2007	(\$19.79)	\$0.00	\$0.00	\$2.30	445225			
Supplies-Mail/Posta	6/21/2007	(\$0.75)	\$0.00	\$0.00	\$1.55	446607		5/28/07	
Supplies-Mail/Posta	6/21/2007	(\$0.58)	\$0.00	\$0.00	\$0.97	446806		5/28/07	

Ending Month Balance: \$0.97

Total Amount Currently on Medical Hold: \$0.00

1624 J. UHL

Total Amount Currently on Legal Hold: \$0.00

Total Amount Currently on Restitution Held: \$0.00

Total Amount Currently on Restitution Hold: \$0.00

Total Amount Currently on Other Hold: (\$0.82

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Individual Statement From January 2007 to June 2007

Date Printed: 7/31/2007

SBI	Last Name	First Name	MI	Suffix	Comments:
00253918	Hopkins	Shane	K		
Current Location:	22				

Trans Type	Date	Deposit or Withdrawal Amount	Medical Hold	Non-Medical Hold	Balance	Trans #	MO# / Ck#	Pay To	Source Name
Supplies-MailPosta	3/19/2007	\$0.00	\$0.00	(\$0.39)	\$50.00	401990			3/13/07
Supplies-MailPosta	3/19/2007	\$0.00	\$0.00	(\$0.39)	\$50.00	402016			3/13/07
Canteen	3/21/2007	(\$20.00)	\$0.00	\$0.00	\$30.00	402817			3/13/07
Supplies-MailPosta	3/22/2007	(\$0.39)	\$0.00	\$0.00	\$29.61	404723			3/13/07
Supplies-MailPosta	3/22/2007	(\$0.39)	\$0.00	\$0.00	\$29.22	404742			3/13/07
Canteen	3/28/2007	(\$13.11)	\$0.00	\$0.00	\$16.11	406489			
Pay-To	3/30/2007	(\$3.00)	\$0.00	\$0.00	\$13.11	407749			PROJECT AWARE
Mail	4/3/2007	\$50.00	\$0.00	\$0.00	\$63.11	409647	10327528056		C HOPKINS
Canteen	4/4/2007	(\$1.94)	\$0.00	\$0.00	\$61.17	409780			
Legal	4/5/2007	\$0.00	\$0.00	(\$8.00)	\$61.17	410593			MARCH 07
Legal	4/5/2007	(\$11.09)	\$0.00	\$0.00	\$50.08	411262			FEB 07
Legal	4/5/2007	(\$8.00)	\$0.00	\$0.00	\$42.08	411283			MARCH 07
Canteen	4/11/2007	(\$20.00)	\$0.00	\$0.00	\$22.08	412880			
Mail	4/16/2007	\$40.00	\$0.00	\$0.00	\$62.08	415264			A RUSSELL
Canteen	4/18/2007	(\$19.51)	\$0.00	\$0.00	\$42.57	416304			L HOPKINS
Mail	4/18/2007	\$50.00	\$0.00	\$0.00	\$92.57	416681	10327528146		
Supplies-MailPosta	4/24/2007	\$0.00	\$0.00	(\$0.63)	\$92.57	419277			4/4/07
Canteen	4/25/2007	(\$28.75)	\$0.00	\$0.00	\$63.82	419682			
Legal	5/1/2007	\$0.00	\$0.00	(\$26.00)	\$63.82	422801			
Canteen	5/2/2007	(\$18.60)	\$0.00	\$0.00	\$45.22	422878			
Legal	5/4/2007	(\$26.00)	\$0.00	\$0.00	\$19.22	424647			APR 07
Canteen	5/7/2007	\$4.80	\$0.00	\$0.00	\$24.02	424690			REFUND
Canteen	5/9/2007	(\$19.94)	\$0.00	\$0.00	\$4.08	426161			
Supplies-MailPosta	5/16/2007	\$0.00	\$0.00	(\$0.39)	\$4.08	428829			4/12/07
Supplies-MailPosta	5/16/2007	\$0.00	\$0.00	(\$0.39)	\$4.08	428830			4/12/07
Canteen	5/16/2007	(\$3.40)	\$0.00	\$0.00	\$0.68	428936			
Mail	5/18/2007	\$50.00	\$0.00	\$0.00	\$50.68	429986			11101905393
Canteen	5/23/2007	(\$19.92)	\$0.00	\$0.00	\$30.76	431405			
Supplies-MailPosta	5/25/2007	\$0.00	\$0.00	(\$0.63)	\$30.76	432776			5/4/07
Canteen	5/30/2007	(\$19.94)	\$0.00	\$0.00	\$10.82	434377			
Supplies-MailPosta	6/1/2007	(\$0.63)	\$0.00	\$0.00	\$10.19	436900			4/4/07

Certificate of Service

I, SHANE K. HOPKINS, hereby certify that I have served a true and correct cop(ies) of the attached: MOTION TO SUBPOENA WITNESSES FOR Oral Depository upon the following parties/person (s):

TO: STACEY XARHAKAKOS
DEPUTY ATTORNEY GENERAL
820 N. French St 6th Floor
Wilmington Delaware
19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this _____ day of August, 2007

JM Snake Hopkins
SBI# 253918 UNIT 22
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WILMINGTON DE 197
13 AUG 2007 PM 2 L

"Legal Mail"
MAILED 8-10-07

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UNITED STATES DISTRICT COURT
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